

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 17, 2010**

C-1 Call to Order / Roll Call - N/A

C-2 Announcement of Closed Session - N/A

C-3 Adjourn to Closed Session - N/A

C-4 Return to Open Session / Disclosure of Action - N/A

A. Call to Order / Roll call

The Regular City Council meeting of February 17, 2010, was called to order by Mayor Katzakian at 7:00 p.m.

Present: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Absent: None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. Pledge of Allegiance

C. Presentations

C-1 Awards - None

C-2 Proclamations

a) Soroptimist International, "Saturday of Service," March 6, 2010

Mayor Katzakian presented a proclamation to Germaine Burke, President of Lodi Soroptimist International, recognizing Soroptimist International, "Saturday of Service," being held on March 6, 2010.

C-3 Presentations

a) Update by Hutchins Street Square Foundation on Fundraising Efforts for Community Center (COM)

John Ledbetter, Chair of the Hutchins Street Square Foundation, gave an update to Council on its fundraising efforts for the Community Center.

D. Consent Calendar (Reading; Comments by the Public; Council Action)

Council Member Mounce made a motion, second by Council Member Johnson, to approve the following items hereinafter set forth, **except those otherwise noted**, in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor

Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

D-1 Receive Register of Claims in the Amount of \$5,812,522.84 (FIN)

Claims were approved in the amount of \$5,812,522.84.

D-2 Approve Minutes (CLK)

The minutes of February 2, 2010 (Shirtsleeve Session), February 3, 2010 (Regular Meeting), and February 9, 2010 (Shirtsleeve Session) were approved as written.

D-3 Approve Plans and Specifications and Authorize Advertisement for Bids for DeBenedetti Park - Electrical Improvements Phase I, 2350 South Lower Sacramento Road (PW)

Approved the plans and specifications and authorized advertisement for bids for DeBenedetti Park - Electrical Improvements Phase I, 2350 South Lower Sacramento Road.

D-4 Approve Specifications and Authorize Advertisement for Bids to Procure Polemount and Padmount Transformers (EUD)

Approved the specifications and authorized advertisement for bids to procure polemount and padmount transformers.

D-5 Adopt Resolution Rejecting Proposals for the White Slough Solar Demonstration Plant (EUD)

This item was pulled for further discussion by Council Member Hansen.

In response to Council Member Hansen, Mr. King stated the City is not stepping away from the demonstration project. Mr. King stated bids were submitted as a Public Works project and the recommendation is to reject all bids and go back and clarify the specifications of the proposed project based on qualifications, longevity of project, and price of construction and energy. Mr. Weisel stated the item should be back in about three months.

Council Member Hansen made a motion, second by Council Member Mounce, to adopt Resolution No. 2010-19 rejecting proposals for the White Slough Solar Demonstration Plant.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

D-6 Adopt Resolution Approving Donation of Retired Self-Contained Breathing Apparatus and Surplus Turnouts to the Lodi Unified School District Regional Occupation Fire Science Technology Program (FD)

Adopted Resolution No. 2010-14 approving donation of retired self-contained breathing apparatus and surplus turnouts to the Lodi Unified School District Regional Occupation Fire Science Technology Program.

- D-7 Adopt Resolution Approving Purchase of Transit Fare Collection Equipment from GFI GenFare, of Elk Grove Village, IL (\$279,843), and Appropriating Funds (\$300,000) (PW)

This item was pulled for further discussion by Robin Rushing.

Mr. Rushing expressed his concerns about additional funds being spent on cash boxes for transit.

In response to Council Member Hansen, Mr. King stated federal American Recovery and Reinvestment Act of 2009 funds were received by the City for specific transit needs and reviewed the spending requirements for the same. Mr. King stated the funds are conditional and cannot be used for operational purposes.

Council Member Mounce made a motion, second by Council Member Hansen, to adopt Resolution No. 2010-20 approving the purchase of transit fare collection equipment from GFI GenFare, of Elk Grove Village, IL, in the amount of \$279,843, and appropriating funds in the amount of \$300,000.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

- D-8 Adopt Resolution Awarding Contract for 2010 Alley Reconstruction Project to George Reed, of Lodi (\$226,454.40) (PW)

Adopted Resolution No. 2010-15 awarding contract for 2010 Alley Reconstruction Project to George Reed, of Lodi, in the amount of \$226,454.40.

- D-9 Adopt Resolution Awarding Contract for the Installation of Automated Residential Electric Meters to Republic ITS, Inc., of Novato, CA, and Appropriating Funds (\$109,945) (EUD)

Adopted Resolution No. 2010-16 awarding contract for the installation of automated residential electric meters to Republic ITS, Inc., of Novato, CA, and appropriating funds in the amount of \$109,945.

- D-10 Adopt Resolution Awarding Contract for the Replacement of Public Safety Radio Equipment to Delta Wireless & Network Solutions, of Stockton, under Homeland Security Grant Number 2008-0006 (\$362,734.18) (CM)

Adopted Resolution No. 2010-17 awarding contract for the replacement of public safety radio equipment to Delta Wireless & Network Solutions, of Stockton, under Homeland Security Grant Number 2008-0006 in the amount of \$362,734.18.

- D-11 Adopt Resolution Authorizing the Lease Agreement Between the City of Lodi and the State of California, Acting By and Through its Director of General Services, with the Consent of the Military Department for the Use of the National Guard Armory Building (PR)

Adopted Resolution No. 2010-18 authorizing the lease agreement between the City of Lodi and the State of California, acting by and through its Director of General Services, with the consent of the Military Department for the use of the National Guard Armory building.

- D-12 Set Public Hearing for March 3, 2010, to Consider Report for Sidewalk Repairs and to

Confirm the Report as Submitted by the Public Works Department (PW)

Set public hearing for March 3, 2010, to consider report for sidewalk repairs and to confirm the report as submitted by the Public Works Department.

D-13 Set Public Hearing for March 17, 2010, to Adopt Federal Fiscal Year 2010 Program of Transit Projects (PW)

Set public hearing for March 17, 2010, to adopt Federal Fiscal Year 2010 Program of Transit Projects.

E. Comments by the Public on Non-Agenda Items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES. The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted. Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

None.

F. Comments by the City Council Members on Non-Agenda Items

Council Member Hansen reported on his attendance at the Northern California Power Agency (NCPA) meeting and working on the NCPA budget. He also discussed issues to be considered in Washington D.C., including greenhouse gas emissions and AB 32. Mr. Hansen commended the efforts of those involved with the Wine and Chocolate event in downtown.

Council Member Johnson reported on the Joint Task Force working on the County jail proposal. He specifically discussed the lack of operating funds for the proposed jail, a half-cent sales tax option to fund operations, the telephone survey, other County efforts regarding sales tax, and a ballot measure education program with proportional cost assignment for cities.

Council Member Mounce reported on her attendance at the League Board of Directors meeting. She specifically discussed greenhouse gas emission legislation, postponing unfunded mandates, policy on water, involvement by the City of Stockton, nominating the Youth Commission for a Helen Putnam Award, and the possibility of rescinding and reenacting Ordinance 1775 and 1776.

G. Comments by the City Manager on Non-Agenda Items

None.

H. Public Hearings

H-1 Public Hearing to Receive Comments on the Lodi General Plan and Consider Adopting Resolution Certifying the Final Environmental Impact Report (CD)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Katzakian called for the public hearing to receive comments on the Lodi General Plan and consider adopting resolution certifying the Final Environmental Impact Report (EIR).

City Manager King provided a brief introduction to the subject matter of the Lodi EIR and General Plan.

Community Development Director Rad Bartlam provided a PowerPoint presentation regarding the EIR and General Plan. Specific topics of discussion included the California Environmental Quality Act (CEQA), General Plan Draft and Final EIR, next steps, CEQA requirements, purpose, topics evaluated, project description, executive summary, beneficial impacts, less than significant impacts, significant and unavoidable impacts, statement of overriding considerations, significant and irreversible environmental changes, alternatives, growth-inducing impacts, cumulative impacts, contents of the EIR, comments received, new and edited policies, next steps including General Plan adoption, and General Plan land use.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated that, with respect to unavoidable significant impacts and air quality concerns, discussions are occurring at various levels through legislation, when to stop building is a broader matter for consideration by the policy makers, and policies in the General Plan look to reduce greenhouse gas emissions as is required. Mr. Bartlam stated south San Joaquin Valley suffers more air quality issues because of dust and particles as well as emissions.

In response to Mayor Pro Tempore Hitchcock, Mr. King stated the public hearing is for the certification of the EIR and its relationship to General Plan policies. Mr. King stated the General Plan resolution will come back for adoption at a future date.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated specific information, such as floor area ratios, will be incorporated into the Zoning Code. Mr. Bartlam stated General Plan references are broader while parcel implementation measures are carried out more specifically through the Development Code.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated currently there is a parking district downtown and the proposed language coincides with the existing condition in downtown.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated there are three designated mixed use centers, the intent of these centers is to define neighborhoods, and examples would include the Lakewood Mall area as well as the Turner Road and Lower Sacramento Road corner. Mr. Bartlam stated implementation would be through development of a larger master plan with a combination of both residential and commercial through land use and design.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated density ranges are broad, most mixed uses would fall under medium density, smaller single-family lots are likely in the future, and developments in the City are likely to be similar to those that occurred during the higher development periods approximately three years ago in other communities.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated the difference between the 1991 plan and the current plan is basins and parks will not be developed together and there will be more usable play fields in the proposed plan that are separate from basins.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated staff will look into any previous citizen initiative combining parks and basins.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated the blue spaces are anticipated school locations and the green spaces reference parks. A brief discussion ensued regarding keeping basin and park spaces separate from one another.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated base districts will be

established to implement the General Plan because none exist currently.

In response to Mayor Pro Tempore Hitchcock, Public Works Director Wally Sandelin confirmed that the General Plan build out is sufficient to manage current and future water needs.

Mr. Bartlam stated the policy regarding future water needs will be coming back along with the other policies.

In response to Mayor Pro Tempore Hitchcock, Mr. Sandelin stated the wastewater plant capacity is sufficient and can be increased later in a master plan if needed.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam and Mr. King stated the narrative describes what is already approved for fire departments, what may be needed for future fire services, and a specific public safety master plan will be coming back for approval.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated phasing is for residential and non-residential growth, Phase 1 is infill within the existing General Plan, Phase 2 is non-residential south of Kettleman Lane on Harney Lane and west of current General Plan, Phase 3 is the reserve area, and the 75% allows the City to solidly develop infrastructure without acting prematurely.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated each section including resident, commercial, and industrial has its own 75% requirement.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated changes to the ordinance regarding design issues, points, and programs will be brought back for consideration.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated the Planning Commission recommended gated communities in some cases where there are no connectivity concerns but discouraged overall use of gated communities.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated sound walls may be appropriate along the City express ways, major arterial roads, Highway 99, and the railroad line.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated the Planning Commission recommended a minimum one acre for every one acre lost for mitigation and the trust language can be modified to more specifically benefit the Lodi community.

In response to Council Member Mounce, Mr. Bartlam stated specific information regarding historical preservation, including allowable alteration to older homes, would be set forth in the Development Code. Mr. Bartlam stated a variety of historical preservation policies could be considered by the Planning Commission or the Historical Society.

In response to Council Member Mounce, Mr. Bartlam stated the draft Development Code is done and will be updated with the proposed General Plan.

In response to Council Member Mounce, Mr. Bartlam stated the redevelopment area is getting a mixed use designation in Phase 1 because it is an infill area in downtown and can be expanded to include to vacant Lockeford Street piece as indicated.

In response to Council Member Mounce, Mr. Bartlam and Mr. King stated eminent domain language and references could be incorporated in General Plan edits and added as an election requirement in any new redevelopment plan.

In response to Council Member Hansen, Mr. Bartlam confirmed a balance of downtown

objectives and historical preservation would be considered in the General Plan.

Mayor Katzakian opened the public hearing to receive public comment.

Patrick McEwen, representing the proposed San Joaquin Delta College Campus in Lodi, spoke in favor of the proposed certification of the EIR and requested that a college placeholder be incorporated into the General Plan. Specific topics of discussion included an educational master plan, Lodi identified as needing a college facility, the facilities master plan, previous work done for a General Plan alternative, and a college placeholder in the General Plan.

Discussion ensued among Council Member Hansen, Council Member Mounce, and Mayor Pro Tempore Hitchcock regarding the work already performed at the Victor Road site, the possibility of Delta College utilizing infill sites in downtown, and leaving options open without designation limitations on a particular site.

Jerry Fry, representing the Armstrong Road property owners, spoke in opposition to the proposed certification, stating the property owners would like the subject area designated as PRR or similar to the 1991 General Plan. Mr. Fry specifically discussed the urban reserve moving to the west side of town, previous improvements made by the property owners, growth management in the City being inconsistent with the proposed Delta College growth, supporting agriculture by reducing groundwater extraction through the building of a treatment plant, and mitigation efforts that benefit areas in the City versus outside the City.

Mayor Katzakian closed the public hearing after receiving no further public comment.

In response to Council Member Johnson, Mr. Bartlam stated there is no reason to either include or not include Delta College in the General Plan as it is a Council policy call and another option is to designate the proposed college site as urban reserve.

In response to Council Member Mounce, Planning Commissioner Tim Mattheis stated the Planning Commission did not support a college placeholder because at the time there was no definitive plan for the area; although, conditions including the financial aspect of the proposal may have changed.

In response to Council Member Mounce, Mr. Mattheis stated there was a concern that the college could be growth-inducing toward that area.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated the college piece could be brought back to Council up to four times a year as a General Plan amendment.

In response to Council Member Hansen, Mr. Bartlam stated a college reserve may be feasible and an example of the same type of reserve is the elementary school site proposed on the east side of town at the request of the school district.

Discussion ensued among Council Member Hansen and Mr. Bartlam regarding the Armstrong Road property owners' request of a PRR designation and the appearance it may give of the City's intent to grow in the future in a particular direction.

In response to Council Member Hansen, Mr. Bartlam stated the recommendation is to not go with the most environmentally superior alternative because it falls short of the City's growth ordinance and does not meet other needs for the City.

In response to Council Member Hansen, Mr. Mattheis stated there was a lot of deliberation regarding the PRR and urban reserve designation, this is a good legislative opportunity to

maintain some type of a separator between Lodi and Stockton, and the community desires a separator.

Discussion ensued between Council Member Hansen and Mr. Bartlam regarding a compromise designation, urban reserve to the west, effects on 2% growth management, State requirements for accommodation of 2% growth management, and density in various areas.

In response to Mayor Katzakian, Mr. Bartlam stated the urban reserve designation sends a message of desired growth by the City Council in a particular area.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated the General Plan process started in 2006.

Discussion ensued among Council Member Hansen, Council Member Mounce, and Mayor Pro Tempore Hitchcock regarding the likelihood of the Armstrong Road property owners receiving the AL-5 designation from the County or finding a suitable alternative through the City.

In response to Council Member Hansen, Mr. Bartlam stated designating an area as urban reserve does not necessarily have to shrink down another area as all designations are based on assumptions and can be modified.

Council Member Hansen made a motion, second by Mayor Pro Tempore Hitchcock, to include a San Joaquin Delta College placeholder when the Environmental Impact Report is certified.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

Mayor Pro Tempore Hitchcock made a motion, second by Council Member Mounce, to adopt Resolution No. 2010-21 certifying the final Environmental Impact Report, including a placeholder for San Joaquin Delta College.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: Council Member Hansen

Absent: None

I. Communications

I-1 Claims Filed Against the City of Lodi - None

I-2 Appointments - None

I-3 Miscellaneous

a) Monthly Protocol Account Report (CLK)

Council Member Mounce made a motion, second by Mayor Pro Tempore Hitchcock, to accept the cumulative Monthly Protocol Account Report through January 31, 2010.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

J. Regular Calendar

J-1 Receive Report on Drinking Water Chlorination (PW)

City Manager King briefly introduced the subject matter of the report regarding drinking water chlorination.

Deputy Public Works Director Charlie Swimley provided a PowerPoint presentation regarding the report regarding drinking water chlorination. Specific topics of discussion included background, annual positive total coliform samples, new drinking water regulations, sample sites, and chlorination plan.

In response to Mayor Pro Tempore Hitchcock, Mr. Swimley reviewed the location of the well sites on an aerial view map, stating the well locations were evenly distributed throughout the City.

In response to Mayor Pro Tempore Hitchcock, Mr. Swimley stated some chlorination has already been happening and the amount is increasing slightly due to new State requirements for testing.

A brief discussion occurred between Mayor Pro Tempore Hitchcock and Mr. Swimley regarding the lack of complaints received, cost of approximately \$900 for a violation, and the cost of not chlorinating versus the cost of violations.

In response to Council Member Johnson, Mr. Swimley stated the chlorination may be keeping the number of complaints down and of the seven complaints some were inquiries and four were commercial. Mr. Swimley stated proper notification would be given if the City were to do any aggressive chlorination.

J-2 Consider the Following Actions Regarding the California High-Speed and Regional Rail Program: (a) Direct Staff to Prepare Letter Confirming City's Desire to Have Union Pacific Corridor Alignment Considered Through Lodi, and (b) Authorize Mayor to Send Letter Supporting Merced County's Request for High-Speed Rail Heavy Maintenance Facility at the Former Castle Air Force Base (CD)

City Manager King and Community Development Director Rad Bartlam provided a brief overview of the proposed recommended action with respect to authorizing the City's support for the high speed and regional rail programs as discussed at the Shirtsleeve Session of February 9, 2010.

Council Member Mounce made a motion, second by Council Member Hansen, to direct staff to prepare letter confirming City's desire to have Union Pacific corridor alignment considered through Lodi and to authorize the Mayor to send letter supporting Merced County's request for High-Speed Rail Heavy Maintenance Facility at the former Castle Air Force Base.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None
Absent: None

J-3 Adopt Resolution Setting the City of Lodi Electric Utility Energy Efficiency Program 10-Year Target (EUD)

City Manager King briefly introduced the subject matter of the energy efficiency program ten-year target.

Customer Services and Programs Manager Rob Lechner provided a brief presentation regarding the ten-year target for the energy efficiency program. Specific topics of discussion included legislative history of AB 2021 and AB 1890, first ten-year goal of 2007, requirement to review goals every three years, proposed new goal numbers, continuing existing programs, concerns about saturation, and expansion of numbers consistent with public benefit funding.

In response to Mayor Pro Tempore Hitchcock, Mr. Lechner stated it is somewhat difficult to review the goal numbers because the City must balance the State requirements while continuously working on the goals.

Council Member Mounce made a motion, second by Council Member Johnson, to adopt Resolution No. 2010-22 setting the City of Lodi Electric Utility Energy Efficiency Program 10-Year Target.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

K. Ordinances - None

L. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 11:46 p.m.

ATTEST:

Randi Johl
City Clerk